

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 25-28, 31, 32, 34, 35, 37 and 38 have been amended. Claims 25-39 are pending in the application. The rejections are respectfully submitted to be obviated in view of the amendments and remarks provided below.

**Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 27, 28, 32, 35 and 38 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants have amended the claims to improve clarity. Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are now respectfully requested.

**Rejection Under 35 U.S.C. § 103(a) - Oshima et al. in view of Bell**

Claims 25-39 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oshima in view of Bell.

Applicants have amended claims 25, 26, 31, 34 and 37 to more clearly recite exemplary embodiments of the present invention. In the claimed invention, the term “Content Scramble System (CSS)” clearly defines a particular system of encryption. Furthermore, it is now recited such that “an encryption key encrypted based on the CSS has already been recorded before the record information is recorded in the record information recording area,” as recited by exemplary claim 25 (emphasis added). Therefore, a DVD-ROM can not now be interpreted as to record an encryption key based on CSS before record information is recorded in the record information recording area, because such a DVD-ROM records all data at once by using a stamper device.

Oshima reads a disc ID from a disc and sends the disc ID to a center. The disc ID is not encrypted by CSS. Therefore, Oshima does not disclose that an encryption key is encrypted by CSS, and thus fails to teach or suggest the encryption key recorded before the record information is recorded as recited by claim 25. Oshima merely achieves a copy protection for each disc, and does not teach or suggest the claimed elements.

The Examiner has also stated that Bell discloses information encrypted by CSS. However, page 32, middle column, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs of Bell merely describes a CS encryption system employed for reproduction-only medium (DVD-ROM), and fails to teach or suggest that CSS is employed for a recordable information recording medium. Therefore, Bell does not teach or suggest an encryption key recording area as recited in claim 25.

Therefore, the claimed invention as recited by claim 25 is distinguished over Oshima in view of Bell. Applicants' claims 31 and 34 recite related apparatuses, and are distinguished over the cited references for analogous reasons as discussed above. Claims 26-30, 32-33, 35-36 and 38-39 are dependent claims including all of the elements of independent claims 25, 31, 34 and 37 respectively. Therefore, claims 26-30, 32, 33, 35, 36, 38 and 39 are distinguished over the cited references for the aforementioned reasons as well as for their additionally recites elements.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application 09/841,249  
Attorney Docket No. Q64260

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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